

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

COMPUTEREASE SOFTWARE, INC.,	:	Case No. 06-cv-247
	:	
Plaintiff,	:	Magistrate Judge Timothy S. Black
	:	
	:	
vs.	:	
	:	
HEMISPHERE CORPORATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	ORDER

This civil action is before the Court on defendant Hemisphere Management, LLC's motion to dismiss plaintiff's complaint for lack of jurisdiction (doc. 13) and motion for a more definite statement (doc. 14), and the parties responsive memoranda (docs. 16, 17, 18). The parties have consented to disposition by the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (*See* Doc. 32.)

I.

On December 13, 2006, the Court granted plaintiff's motion for leave to file second amended complaint. (Doc. 41.) Thereafter on January 11, 2007, plaintiff filed its second amended complaint. (Doc. 42). Defendants' answer and counterclaim was filed on January 27, 2007. (Doc. 43.)

II.

Plaintiff's second amended complaint supersedes the original complaint and is the "legally operative complaint" in this matter. *Scuba v. Wilkinson*, No. 1:06CV160, 2006

WL 2794939, *2 (S.D. Ohio Sept. 27, 2006) (citing *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306 (6th Cir.2000), *cert. denied*, 533 U.S. 951, 121 S.Ct. 2594, 150 L.Ed.2d 752 (2001)). Since the amended complaint replaces the original complaint, the motion to dismiss the original complaint is moot (*Scuba*, 2006 WL 2794939, *2); as is the motion for a more definite statement. *See Colin v. Marconi Commerce Systems Employees' Retirement Plan*, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (Plaintiffs' filing of the Second Amended Complaint rendered moot Defendants' Motion for a More Definite Statement).

III.

Therefore, defendant's motion to dismiss the original complaint (doc. 13) and motion for a more definite statement (doc. 14) are hereby **DENIED as MOOT**.

IT IS SO ORDERED.

Date: March 19, 2007

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge